

FIRST REGULAR SESSION

HOUSE BILL NO. 661

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WAGNER.

Read 1st time February 6, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1750L.011

AN ACT

To repeal sections 205.920, 291.010, 291.020, 291.030, 291.040, 291.050, 291.060, 291.065, 291.070, 291.080, 291.120, 291.130, 291.140, 292.010, 292.020, 292.030, 292.040, 292.050, 292.060, 292.070, 292.080, 292.090, 292.110, 292.120, 292.130, 292.140, 292.150, 292.160, 292.170, 292.180, 292.190, 292.240, 292.260, 292.270, 292.280, 292.290, 292.350, 292.360, 292.370, 292.380, 292.390, 292.400, 292.410, 292.420, 292.430, 292.450, 292.460, 292.470, 292.480, 292.490, 292.500, 292.510, 292.520, 292.530, 292.540, 292.550, 292.560 and 320.202, RSMo 2000, relating to the department of labor and industrial relations and to enact in lieu thereof twenty-two new sections relating to the same subject, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 205.920, 291.010, 291.020, 291.030, 291.040, 291.050, 291.060, 291.065, 291.070, 291.080, 291.120, 291.130, 291.140, 292.010, 292.020, 292.030, 292.040, 292.050, 292.060, 292.070, 292.080, 292.090, 292.110, 292.120, 292.130, 292.140, 292.150, 292.160, 292.170, 292.180, 292.190, 292.240, 292.260, 292.270, 292.280, 292.290, 292.350, 292.360, 292.370, 292.380, 292.390, 292.400, 292.410, 292.420, 292.430, 292.450, 292.460, 292.470, 292.480, 292.490, 292.500, 292.510, 292.520, 292.530, 292.540, 292.550, 292.560 and 320.202, RSMo 2000, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 205.920, 291.010, 291.060, 291.065, 291.130, 291.140, 292.020, 292.070, 292.130, 292.180, 292.240, 292.280, 292.290, 292.350, 292.410, 292.430, 292.520, 292.530, 292.540, 292.550, 292.560 and 320.202, to read as follows:

205.920. The county superintendent of public welfare and [his] **any assistants thereto**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

2 may be deputized by the director of the [inspection section] **division of labor standards** of the
3 department of labor and industrial relations, as [his] agent or agents **thereof**, and when [they are]
4 so deputized by the director, they shall have the same powers and authority as [deputy industrial]
5 **division** inspectors.

291.010. Before the director of the [inspection section] **division of labor standards**
2 shall enter upon the duties of [his] office, he **or she** shall give a good and sufficient bond to the
3 state of Missouri in the penal sum of twenty thousand dollars, to be approved by the attorney
4 general as to form, and by the governor as to sufficiency, conditioned upon the faithful
5 performance of the duties of [his] office, and that he **or she** will render an honest and accurate
6 accounting of all funds which may come into his **or her** hands through the performance of [his]
7 **all** official duties, and said director shall be held liable on [his] **the** official bond for any
8 defalcations of [any of his] **all** deputies, agents, assistants or other employees **of the office**.

[291.020. The principal office of the section shall be kept and maintained in
2 Jefferson City, Missouri. In addition to the principal office in Jefferson City there
3 shall be kept and maintained one branch office in the city of St. Louis, Missouri, and
4 one branch office in Kansas City, Missouri, located in such quarters as may be
5 designated by the director with the approval of the secretary of the labor and
6 industrial relations commission of Missouri. Each of such branch offices shall be in
7 charge of an assistant director of the inspection section and each such assistant
8 director shall be empowered to do and perform in the name of the director any act
9 which the director himself might perform, subject however to the supervision and
10 approval of said director of the inspection section.]

[291.030. 1. Subject to the provisions of the merit system law, chapter 36,
2 RSMo, the director of the department of labor and industrial relations shall employ
3 and prescribe the duties and powers of such persons as may be required and may
4 make expenditures within the appropriation therefor as may be necessary to carry out
5 the purposes of the law.

2. Any person employed by the inspection section more than six months prior
7 to August 13, 1972, shall be admitted to the qualifying examination covering the
8 position held by him and may be retained at the discretion of the director provided
9 that he attains a passing grade in such examination. Any employee appointed within
10 six months prior to August 13, 1972, and any employee appointed from and after
11 August 13, 1972, shall be appointed subject to the merit system law.]

[291.040. The salaries and compensation of the subordinate officials and
2 employees provided for in section 291.030, shall be paid in like manner and from the
3 same source as the salary of the director of the inspection section, upon vouchers
4 approved by the director. The salaries and compensation shall be as follows:
5 Assistant director of the inspection section, not exceeding six thousand six hundred
6 dollars per annum each; chief clerk, not exceeding six thousand six hundred dollars
7 per annum; administrative secretary, not exceeding four thousand eight hundred
8 dollars per annum; three special safety inspectors, not to exceed five thousand four

9 hundred dollars per annum each; inspectors, not to exceed five thousand four
10 hundred dollars per annum; secretary, not exceeding four thousand two hundred
11 dollars per annum; and stenographer, not to exceed four thousand two hundred
12 dollars per annum, except that the two stenographers who act as office managers in
13 the two branches shall receive a salary not to exceed four thousand five hundred
14 dollars per annum; statistician, not to exceed six thousand six hundred dollars per
15 annum. Such compensation shall be paid the janitor as is fixed by the director, not
16 to exceed the sum of two hundred dollars per month for the time employed.]

 [291.050. The director of the inspection section, his deputies, inspectors and
2 other assistants and appointees shall be entitled to their actual traveling expenses
3 when traveling within the state of Missouri on necessary business of the inspection
4 section, which said expenses shall be paid on itemized accounts, approved by the
5 director as other sectional expenses are approved and paid.]

 291.060. 1. The director of the [inspection section] **division of labor standards** may
2 divide the state into districts, assign one or more deputy inspectors to each district, and may[, at
3 his discretion,] change or transfer them from one district to another.

4 2. It shall be the duty of the director[, his assistants or deputy inspectors,] **and the**
5 **director's delegates** to make [not less than two] inspections [during each year of all factories,
6 warehouses, office buildings, freight depots, machine shops, garages, laundries, tenement
7 workshops, bakeshops, restaurants, bowling alleys, pool halls, theaters, concert halls, moving
8 picture houses, or places of public amusement, and all other manufacturing, mechanical and
9 mercantile establishments and workshops. The last inspection shall be completed on or before
10 the first day of October of each year, and the director shall] **and to** enforce all laws relating to
11 the inspection of [the] establishments [enumerated heretofore in this section,] **and to** prosecute
12 all persons for violating the same. Any [municipal] ordinance relating to said establishments or
13 their inspection shall be enforced by the director.

14 3. The director[, his assistants and deputy inspectors,] **and the director's delegates** may
15 administer oaths and take affidavits in matters concerning the enforcement of the various
16 inspection laws relating to [these] **certain** establishments[; provided, that the provisions of this
17 section shall not apply to mercantile establishments that employ less than ten persons that are
18 located in towns and cities that have three thousand inhabitants or less].

 291.065. The director may adopt, amend or rescind rules and regulations necessary to
2 implement any of the provisions of this law; provided, however, that no such rule or regulation
3 shall be adopted except after a public hearing before the labor and industrial relations
4 commission to be held after thirty days prior notice by public advertisement of the date, time and
5 place of the hearing and opportunity given to the public to be heard. Thereafter, subject to the
6 provisions of chapter 536, RSMo, such rules and regulations are to become effective ten days
7 after their approval by the commission, and after copies thereof have been filed in the office of

8 the secretary of state. [The adoption, amending or rescinding of rules and regulations relating
9 to the internal management of the section shall not require prior approval of the labor and
10 industrial relations commission, nor public hearing to become effective.]

2 [291.070. The inspection section shall collect, assort and systematize
3 statistical details and information relating to the commercial, industrial, social,
4 educational and sanitary conditions of the laboring classes of the state and to the
permanent prosperity of the productive industries of the state.]

2 [291.080. The director of the inspection section is hereby directed to collect
3 any information he may deem necessary to carry out the objects of the department as
4 set forth in section 291.070, and is hereby authorized to furnish suitable blanks to
5 managers of public service corporations, county, city and township officers, and to
6 the officers of prisons, penal and reformatory institutions, and it shall be the duty of
7 all such managers and officers to furnish such information as the director may require
and which may be in their possession with the least possible delay.]

2 [291.120. The labor and industrial relations commission of Missouri, with
3 the assistance of the director of the inspection section of the department of labor and
4 industrial relations shall, on or before the first day of February of each year, present
5 a report in writing to the governor, which shall contain statistical details relating to
6 the operation of the section under sections 196.270 to 196.305, and chapters 290, 292
and 421, RSMo, including such information as is contemplated by section 291.070.]

291.130. 1. The owner, superintendent, manager or other person in charge of every
2 establishment inspected as provided by law shall pay to the state director of revenue [the
3 following] a fee for each inspection made in accordance with the provisions of [sections 196.270
4 to 196.305, and chapters 292 and 421, RSMo, or elsewhere authorized or required of said
5 inspector by law to be made:

6 (1) For the inspection of every building or shop in which ten or less persons are
7 employed or found at work, no charge shall be made;

8 (2) For the inspection of every building or shop in which more than ten and not
9 exceeding fifteen persons are employed, the sum of three dollars;

10 (3) For the inspection of every building or shop in which more than fifteen and less than
11 twenty-five persons are employed, the sum of four dollars;

12 (4) For the inspection of every building or shop in which more than twenty-five persons
13 and less than fifty persons are employed, the sum of five dollars; and

14 (5) In every building or shop in which more than fifty persons are employed an
15 additional fee of one dollar shall be charged and collected for every fifty additional persons
16 employed, or any additional fraction thereof, and the fee herein provided for shall be due
17 immediately upon completion of the inspection] **chapter 292, RSMo.**

18 2. The owner, superintendent, manager or other person in charge of any establishment
19 at the time of inspection shall furnish the inspector making the inspection a true statement of the

20 number of persons employed in the establishment at the time of inspection, and any owner,
21 superintendent, manager or other person in charge who fails or refuses to furnish such statement,
22 or understates the number of persons employed in the establishment at the time of inspection,
23 is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five
24 dollars nor more than one hundred dollars for each offense.

25 3. Any person, firm or corporation, agent or manager, superintendent or foreman of any
26 firm or corporation, whether acting [for himself] **on such person's own behalf** or for the firm
27 or corporation, or [by himself or] through subagents or foreman, superintendent or manager, who
28 refuses or attempts to prevent the admission of any inspector authorized by this chapter, upon
29 or within the premises or building of any establishments or place which [he] **such person** is
30 required by law to inspect at any reasonable business hour, or during working hours or in any
31 manner interferes with the performance of the official duties of the inspector, or neglects or
32 refuses to pay the inspection fee upon the completion of the inspection, is guilty of a
33 misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor
34 more than one hundred dollars for each offense; except, that the owner or manager of any
35 establishment inspected shall not be required to pay for more than two inspections between the
36 first day of October of one year and thirtieth day of September of the next year, unless through
37 noncompliance with the written orders of the inspector, additional inspections are necessary.

291.140. The director of the [inspection section] **division of labor standards** shall make
2 an investigation of all accidents serious enough to require physical rehabilitation, under the
3 provisions of the state board of rehabilitation **center in chapter 172, RSMo, and chapter 199,**
4 **RSMo, and shall** make safety recommendations to the employers of the injured employees.

[292.010. Within one month after the occupancy of any factory, workshop
2 or mill, the occupant shall notify the director in writing, of such occupancy.]

292.020. The belting, shafting, machines, machinery, gearing and drums in all
2 manufacturing, mechanical and other establishments in this state, when so placed as to be
3 dangerous to persons employed therein or thereabout while engaged in their ordinary duties, shall
4 be safely and securely guarded when possible; if not possible, then notice of its danger shall be
5 conspicuously posted in such establishments. Whenever the director of the [inspection section,
6 or his assistant, or deputy] **division of labor standards, or the director's delegate**, finds that
7 guards have not been installed or notice of danger posted, as required by the provisions of this
8 section, [he] **the director or the director's delegate** shall at once, in writing, order the owner
9 or owners, or the person or persons in charge of the machinery, plant, establishment, or place,
10 to make the alterations, additions, or repairs necessary within ten days; and if the said alterations,
11 additions or repairs be not made within ten days from the date of such order, then such failure
12 to make such alterations shall be deemed a violation of sections 292.010 to 292.250, and in

13 addition to the penalties herein prescribed for such violations, the director or [his assistant or
14 deputy] **the director's delegate**, [shall be and is hereby empowered to, and he] shall seal said
15 defective appliance or appliances in such a manner as to render the same inoperative until said
16 order of the director has been complied with.

2 [292.030. All power-driven circular saws must be provided with safety
3 guards which raise and lower automatically for various thicknesses of material, and
4 must also be provided with a kickback dog to prevent the board binding on the saw
5 and flying back. Said appliances shall be subject to the approval of the director of
the inspection section, his assistants or deputies.]

2 [292.040. No minor or woman shall be required to clean any part of the mill,
3 gearing or machinery while it is in motion in such establishment, nor shall any minor
4 under the age of sixteen years be required to work between the fixed and traversing
5 or the traversing parts of any machine while it is in motion by the action of steam,
6 water, electricity or other mechanical power; and no woman shall be required to work
7 between the fixed and traversing or the traversing parts of any such machine, except
the machine being operated by her.]

2 [292.050. The openings of all hatchways, elevators and wellholes upon every
3 floor of every manufacturing, mechanical or mercantile or public building in this
4 state shall be protected by good and sufficient trapdoors or self-closing hatches or
5 safety catches, or strong guard rails at least three feet high, and all due diligence shall
6 be used to keep such trapdoors closed at all times, except when in actual use by the
7 occupant of the building having the use and control of the same. Whenever the
8 director of the inspection section, or one of his assistants or deputies, finds any
9 violations of the foregoing requirement to guard hatchways, elevators and wellholes,
10 he shall at once, in writing, notify the owner or owners thereof, or the person or
11 persons in charge of said appliance or appliances, to make the necessary alterations,
12 additions or repairs within ten days; and if said alterations, additions or repairs are
13 not made within ten days from the date of such notice, the director or his assistant or
14 deputy, shall seal such appliance or appliances in such a manner as to render the same
inoperative until there has been compliance with the order of the director.]

2 [292.060. All manufacturing, mechanical, mercantile or other establishments
3 in this state, of two or more stories in height, in which twenty or more persons are
4 employed above the first floor thereof, shall be provided with at least one or more
5 outside iron fire escapes. For every twenty persons employed on every floor above
6 the second floor of such establishment, there shall be one rope or portable fire escape,
and each story shall be amply supplied with means of extinguishing fire.]

2 292.070. In all [such] establishments the main doors, both inside and outside, shall open
3 outwardly[, when the director, in writing, so directs; and no outside or inside door of any
4 building wherein labor is employed shall be so locked, bolted or otherwise fastened during the
hours of labor as to prevent egress].

2 [292.080. No explosive or inflammable compound shall be used in any
establishment in this state where labor is employed, in such place or manner as to

3 obstruct or render hazardous the egress of operatives in case of fire.]

2 [292.090. All scaffolds or structures used in or for the erection, repairing or
3 taking down of any kind of building shall be well and safely supported, and of
4 sufficient width, and so secured as to insure the safety of persons working thereon,
5 or passing under or about the same, against the falling therein, or the falling of such
6 materials or articles as may be used, placed or deposited thereon. All persons
7 engaged in the erection, repairing or taking down of any kind of building shall
8 exercise due caution and care so as to prevent injury or accident to those at work or
nearby.]

2 [292.110. All manufacturing, mechanical, mercantile and other
3 establishments in this state shall be so ventilated as to render harmless all impurities,
as near as may be.]

2 [292.120. Every person, firm or corporation using any polishing wheel or
3 machine of any character which generates dust, smoke or poisonous gases in its
4 operation, shall provide each and every such wheel or machine with a hood, which
5 shall be connected with a blower or suction fan of sufficient power to carry off said
6 dust, smoke and gases and prevent its inhalation by those employed about said wheel
7 or machine; and any violation of this section is hereby declared to be a misdemeanor,
8 and a person, firm or corporation so violating this section shall, upon conviction, be
9 punished by a fine of not less than one hundred dollars nor more than five hundred
10 dollars for each and every offense. It shall be the duty of the director of the
11 inspection section and his assistants and deputies to see that this section is enforced
and to prosecute any violations thereof.]

2 292.130. In all establishments in this state wherein labor is employed, where any process
3 is carried on by which dust or smoke is generated, the director of the [inspection section]
4 **division of labor standards** and [his assistants and deputies] **the director's delegates** shall have
5 the power and the authority to order that a fan or some other contrivance be put in to prevent the
inhalation of such dust or smoke by employees.

2 [292.140. Where, in the opinion of the director, any establishment wherein
3 labor is employed is so overcrowded with employees as to endanger health or safety,
4 the director of the inspection section, when supported in his opinion by the opinion
5 of some reputable physician, shall be authorized and empowered to prohibit such
overcrowding.]

2 [292.150. In every factory, workshop or other establishment in this state
3 where girls or women are employed, where unclean work of any kind has to be
4 performed, suitable places shall be provided for such girls or women to wash and
5 dress, and stairs in use by female employees shall in all such establishments be
properly screened.]

2 [292.160. Separate water closets shall be provided for the use of employees
3 of either sex in manufacturing, mechanical, mercantile and other establishments in
this state where persons of both sexes are employed.]

[292.170. In every manufacturing, mechanical, mercantile and other

2 establishment in this state wherein girls or women are employed there shall be
3 provided and conveniently located seats sufficient to comfortably seat such girls or
4 women, and during such times as such girls or women are not necessarily required
5 by their duties to be upon their feet, they shall be allowed to occupy the seats
6 provided.]

292.180. Whenever the director of the [inspection section] **division of labor standards**
2 or [one of his assistants or deputies] **the director's delegate**, finds that the heating, lighting,
3 ventilation or sanitary arrangements of any establishment where labor is employed is such as to
4 be dangerous to the health or safety of employees therein or thereat, or the means of egress, in
5 case of fire or other disaster, are not sufficient, or that the building, or any part thereof, is unsafe,
6 or that the belting, shafting, gearing, elevators, drums or other machinery are located so as to be
7 dangerous to employees, and not sufficiently guarded, or that the vats, pans, ladles or structures
8 filled with molten or hot liquid, or any furnace, be not sufficiently surrounded with proper
9 safeguards, or the platforms, passageways and other arrangements around, in or about any
10 railroad yard or switch be such as to probably lead to injury or accident to those employed in,
11 around, or about any such establishment or place, shall at once, in writing, order the owner or
12 owners, or the person or persons in charge of such establishment or place to make the alterations
13 or additions necessary within ten days; and if such alterations or additions be not made within
14 ten days from the date of such order, then such failure to make such alterations shall be deemed
15 a violation of sections 292.010 to 292.250, and in addition to the penalties herein prescribed for
16 such violations, the director, or [his assistant or deputy, shall be and is hereby empowered to, and
17 he] **the director's delegate** shall seal said defective appliance or appliances in such manner as
18 to render the same inoperative until said order of the inspector has been complied with.

[292.190. All accidents in manufacturing, mechanical, mercantile or other
2 establishments or places within this state where labor is employed which prevent the
3 injured person or persons from returning to work within four days after the injury, or
4 which result in death, shall be reported by the person in charge of such establishment
5 or place to the director of the inspection section or to one of the assistant or deputy
6 inspectors provided for by law, and also to the city or county physician, when there
7 be such an officer, which notice may be given by mail.]

292.240. All fines collected for violation of sections 292.010 to 292.250 shall be paid
2 into the [common] **county** school fund [of the county] in which the offense was committed,
3 **pursuant to section 166.131, RSMo.**

[292.260. Every corporation, company or person in this state engaged in
2 operating any foundry in which four or more men are employed is hereby required
3 to provide suitable toilet rooms, containing washbowls or sinks provided with
4 running water hot and cold, shower baths, water closets connecting with running
5 water, and a suitable room or place wherein the men may change their clothes, said
6 room to be directly connected with the foundry building, properly heated, ventilated

7 and protected with a suitable locker or place to properly change his clothing or
8 wearing apparel.]

2 [292.270. In all establishments mentioned in section 292.260, all gangways
3 shall be not less than eight feet wide, shall be kept dry and free from any and all
4 obstructions during all times when employees are working therein. All such
5 gangways shall have dirt floors and shall be under water-tight roof; all water tanks
6 shall be so placed that the top thereof shall be not less than thirty inches above the
7 level of the floor; shall be kept clear of any gangways and shall have an outlet near
8 the top thereof, which outlet shall be connected with a sewer or other receptacle
9 sufficient to prevent the overflow of such tank upon the floor of such establishment.
10 Every corporation, company or person engaged in operating any such foundry shall
11 provide and maintain adequate and efficient devices for carrying off all poisons or
injurious fumes, gases and dust from such foundry.]

292.280. The director of the [inspection section] **division of labor standards** is hereby
2 required to at least twice a year thoroughly inspect each foundry in this state wherein four or
3 more [men] **persons** are employed, and the said director shall have the power and authority by
4 order to require the provision of [section 292.260] **this chapter** to be carried out.

292.290. Any corporation, company or person failing to comply with an order made by
2 the director of the [inspection section] **division of labor standards** to provide the facilities
3 enumerated in [section 292.260] **this chapter** shall be deemed guilty of a misdemeanor.

292.350. The director of the department of health shall, immediately upon receipt of any
2 report from any physician in accordance with the provisions of section 292.340, transmit a copy
3 thereof to the director of the [inspection section] **division of labor standards**, and a copy to the
4 superintendent of the factory in which the employee is supposed to have contracted his ailment.

2 [292.360. Every employer engaged in carrying on any process or manufacture
3 or labor referred to in section 292.310, shall provide, separate and apart from the
4 workshop in which such employees are engaged, a dressing room and lavatory for the
5 use of such employees who are exposed to poisonous or injurious dusts, fumes and
6 gases, and such lavatory shall be kept and maintained in a hygienic and sanitary
7 manner and provided with a sufficient number of basins or spigots with adequate
8 washing facilities, including hot and cold water, clean individual towels and soap,
9 and sufficient shower baths, and the dressing room shall be furnished with
10 compartment lockers, so that the ordinary street clothes of such employees shall be
11 kept separate and apart from their working clothes. Male and female employees shall
be provided for separately.]

2 [292.370. No employee shall take or be allowed to take any food or drink of
3 any kind into any room or apartment in which any process or manufacture or labor
4 referred to in section 292.310 is carried on, or in which poisonous substances or
5 injurious or noxious fumes, dusts or gases are present as the result of such work or
6 process being carried on in such room or apartment, and the employees shall not
remain in any such room or apartment during the time allowed for meals, and suitable

7 provision shall be made and maintained by the employer for enabling the employees
8 to take their meals elsewhere in such place of employment, and a sufficient number
9 of sanitary drinking fountains containing wholesome drinking water, and providing
10 ice for same, shall be provided and maintained for the use of the employees within
11 reasonable access and without cost to them.]

2 [292.380. All employers engaged in carrying on any process or manufacture
3 or labor referred to in section 292.310, shall provide and maintain adequate devices
4 for carrying off all poisonous or injurious fumes from any furnaces which may be
5 employed in any such process or manufacture or labor, and shall also provide and
6 maintain adequate and efficient facilities for carrying off all injurious dust, and the
7 floors in any room or apartment where such work or process is carried on shall be
8 kept and maintained in a smooth and hard condition, and no sweeping shall be
9 permitted during working hours except where the floor in such workshop is
10 dampened so as to prevent the raising of dust; and all ore, slag, dross and fume shall
11 be kept in some room or apartment separate from the workrooms occupied by the
12 employees, and all mixing and weighing of such ore, slag, dross or fume shall be
13 done in such separate room or apartment, and all such material shall be dampened or
covered before being handled or transported by employees.]

2 [292.390. When any flues or other apparatus are used in any such process or
3 manufacture or labor referred to in section 292.310, and when such flues or other
4 apparatus are being cleaned or emptied, the employer shall in every case provide and
5 maintain a sufficient, adequate and efficient means or device, such as canvas bags or
6 other approved device, or by dampening the dust, or some other efficient method for
7 catching and collecting the dust and preventing it from unreasonably fouling or
8 polluting the air in which the employees are obliged to work, and, wherever
9 practicable, the dust occasioned in any process or manufacture referred to in section
10 292.310, and in any polishing or finishing therein, shall be dampened or wet down
11 or covered, and every reasonable precaution shall be adopted by the employer to
12 prevent the unnecessary creation or raising of dust, and all floors shall be washed or
13 scrubbed at least once every working day; and such parts of the work or process as
14 are especially dangerous to the employees, on account of poisonous fumes, dusts and
15 gases, shall, where practicable, be carried on in separate rooms and under cover of
16 some suitable and efficient device to remove the danger to the health of such
17 employees as far as may be reasonably consistent with the manufacturing process,
18 and the fixtures and tools employed in any such process or manufacture or labor,
shall be thoroughly washed and cleaned at reasonable intervals.]

2 [292.400. All hoppers or chutes or similar devices used in the course of any
3 process or manufacture referred to in section 292.310 shall be provided with a hood
4 or covering, and an adequate and efficient apparatus or other proper device for the
5 purpose of drawing away from the employees, noxious, poisonous or injurious dusts,
6 and preventing the employees from coming into unnecessary contact therewith; and
7 all conveyances or receptacles used for the transportation about or the storage in any
place where any such process or manufacture or labor referred to in section 292.310

8 is carried on, shall be properly covered or dampened in such a way as to protect the
9 health of the employees, and no refuse of a dangerous character incident to the work
10 or process carried on in any such place shall be allowed to remain accumulated on
11 the floors thereof.]

292.410. It shall be the duty of the director of the [inspection section] **division of labor standards** to enforce the provisions of sections 292.300 to 292.440 and to prosecute all violations of the same before any associate circuit judge or any court of competent jurisdiction in this state, and for that purpose the director of the [inspection section] **division of labor standards** and [his assistants] **the director's delegates** are empowered to and shall visit and inspect, at least once a year, and at reasonable hours, and as often as practicable, all places of employment covered by the provisions of sections 292.300 to 292.440.

[292.420. For the purpose of disseminating a general knowledge of the provisions of sections 292.300 to 292.440 and of the dangers to the health of employees in any work or process covered by the provisions of sections 292.300 to 292.440, the employer shall post in a conspicuous place in every room or apartment in which any such work or process is carried on, appropriate notices of the known dangers to the health of any such employees arising from such work or process, and simple instructions as to any known means of avoiding, so far as possible, the injurious consequences thereof, and the director of the inspection section shall have prepared a notice covering the salient features of sections 292.300 to 292.440, and furnish a reasonable number of copies thereof to employers in this state affected by the provisions of sections 292.300 to 292.440, which notice shall be posted by every such employer in a conspicuous place in every room or apartment in such place of employment. The notices required by this section shall be printed on cardboard of suitable character and the type used shall be such as to make them easily legible.]

292.430. Any person, firm or corporation who shall, personally or through any agent violate any of the provisions of sections 292.300 to 292.440, or who fails or refuses to comply with any of its requirements, or who obstructs or interferes with any examination or investigation being made by the [inspection section] **division of labor standards** in accordance with the provisions of sections 292.300 to 292.440, or any employee who shall violate any of the provisions of sections 292.300 to 292.440, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not less than twenty-five dollars or more than two hundred dollars and in each case shall stand committed until such fine and costs are paid, unless otherwise discharged by due process of law.

[292.450. The provisions of sections 292.450 to 292.540 shall apply only to cities that now have or may hereafter have a population of fifty thousand or more inhabitants.]

[292.460. No outside ladder shall be used in connection with the construction, repairing, alteration, removal, or any work whatsoever on any building more than two stories in height, as a stairway.]

2 [292.470. All stairways used in connection with the construction, repairing,
3 alteration, removal, or any work whatsoever, on any building more than two stories
4 in height, shall be kept lighted at all times during their use and shall have a handrail
running the entire length of said stairway.]

2 [292.480. That all scaffolds, hoists, stays, ladders, supports, or other
3 mechanical contrivances, erected or constructed by any person, firm or corporation,
4 in this state, for the use in the erection, repairing, alteration, painting, tuckpointing,
5 removal or any work whatsoever of any house, building, bridge, viaduct, or other
6 structure, shall be erected and constructed, in a safe, suitable and proper manner, and
7 shall be so erected and constructed, placed and operated, as to give proper and
8 adequate protection to the life and limb of any person or persons, employed or
9 engaged thereof, or passing under or by the same, and in such manner as to prevent
10 the falling of any material that may be used or deposited thereon. Scaffolding or
11 staging, swung or suspended from an overhead support, more than twenty feet from
12 the ground or floor, shall have where practicable a safety rail properly bolted, secured
13 and braced rising at least thirty-four inches above the floor, or main portion of such
14 scaffolding or staging, and extending along the entire length of the outside and ends
15 thereof, and properly attached thereto, and such scaffolding or staging shall be so
fastened as to prevent the same from swaying from the building or structure.]

2 [292.490. If in any house, building or structure in process of erection or
3 construction in this state (except a private house, used exclusively as a private
4 residence), the distance between the enclosing walls is more than twenty-four feet,
5 in the clear, there shall be built, kept and maintained, proper intermediate supports
6 for the joists, which supports shall be either brick walls, or iron or steel columns,
7 beams, trusses, or girders, and the floors in all such houses, buildings, or structures,
8 in process of erection and construction, shall be designed and constructed in such
9 manner as to be capable of bearing in all their parts, in addition to the weight of the
10 floor construction, partitions and permanent fixtures, and mechanisms that may be
11 set upon the same, a live load of fifty pounds for every square foot of surface in such
12 floors, and it is hereby made the duty of the owner, lessee, builder or contractor or
13 subcontractor of such house, building or structure, or the superintendent or agent of
either, to see that all the provisions of this section are complied with.]

2 [292.500. All contractors and owners when constructing buildings in cities,
3 where the plans and specifications require the floors to be arched between the beams
4 thereof or where the floors or filling in between the floors are fireproof material or
5 brick work, shall complete the flooring or filling in as the building progresses, to not
6 less than within three tiers or beams below that on which the iron work is being
7 erected. If the plans and specifications of such buildings do not require filling in
8 between the beams of floors with brick or fireproof material, all contractors for
9 carpenter work in course of construction shall lay the under flooring thereof or a safe
10 temporary floor on each story as the building progresses to not less than within two
11 stories, or floors below the one to which such building has been erected. Where
double floors are not to be used, such owner or contractor shall keep planks over the

12 floor, two stories or floors below where the work is being performed. If the floor
13 beams are of iron or steel the contractor for the iron or steel work of buildings in the
14 course of construction or the owners of such buildings, shall thoroughly plank over
15 the entire tier of iron or steel beams on which the structural iron or steel work is
16 being erected, except such spaces as may be reasonably required for the proper
17 construction of such iron or steel work and the raising and lowering of materials, to
18 be used in the construction of such building, or such spaces as may be designated by
19 the plans and specifications for stairways and elevator shafts.]

[292.510. If the elevating machines or hoisting apparatus are used within a
2 building in the course of constructing for the purpose of lifting material to be used
3 in such construction, the contractor or owner shall cause the shafts or openings on
4 floor where material is loaded to be completely enclosed on all sides; except opening
5 not over eight feet high and the width of the elevating machines for loading purposes.
6 On the other floors the shafts and all other openings shall be enclosed or fenced in
7 on all sides by a substantial barrier or railing at least three feet in height; provided,
8 however, that nothing in sections 292.450 to 292.540 shall apply to railroad
9 corporations or companies who are using their own employees in the construction or
10 repairing of any structure mentioned herein.]

292.520. The chief officer in any city, town or village charged with the enforcement of
2 local building laws, and the director of the [inspection section] **division of labor standards** are
3 hereby charged with enforcing the provisions of sections [292.450] **292.520** to 292.540;
4 provided, that in all cities in this state, where a local building commissioner is provided for by
5 law, such officer shall be charged with the duty of enforcing the provisions of sections [292.450]
6 **292.520** to 292.540, and in case of [his] failure, neglect or refusal of **such local building**
7 **commissioner** so to do, the director of the [inspection section] **division of labor standards**
8 shall, pursuant to the terms of sections [292.450] **292.520** to 292.540, enforce the provisions
9 thereof.

292.530. Any owner, contractor, subcontractor, foreman or other person, having charge
2 of the erection, construction, repairing, alteration, removal, or painting of any building, bridge,
3 viaduct or other structure within the provisions of sections [292.450] **292.520** to 292.540, shall
4 comply with all the terms thereof and any such owner, contractor, subcontractor, foreman or
5 other person violating any of the provisions of sections [292.450] **292.520** to 292.540 shall upon
6 conviction thereof be fined not less than twenty-five dollars or more than five hundred dollars
7 or imprisoned for not less than three months or more than six months, or both fined and
8 imprisoned in the discretion of the court.

292.540. 1. Whenever it shall come to the notice of the director of the [inspection
2 section] **division of labor standards**, or the local authority in any city, town or village in this
3 state, charged with the duty of enforcing the building laws, that the scaffolding or the slings,
4 hangers, blocks, pulleys, stays, braces, ladders, irons or ropes of any swinging or stationary

5 scaffolding, platforms or other similar device, used in the construction, alteration, repairing,
6 removing, cleaning or painting of buildings, bridges or viaducts, within this state are unsafe or
7 liable to prove dangerous to the life or limb of any person the director of the [inspection section]
8 **division of labor standards**, or such local authority or authorities shall immediately cause an
9 inspection to be made of such scaffolding, platform or device, or the slings, hangers, blocks,
10 pulleys, stays, braces, ladders, iron or other parts connected therewith.

11 2. If after examination such scaffolding, platform or device or any of such parts, is found
12 to be dangerous to the life or limb of any person, the director of the [inspection section] **division**
13 **of labor standards**, or such local authority shall at once notify the person responsible for its
14 erection or maintenance, of such fact, and warn [him] **such person** against the use, maintenance
15 or operation thereof, and prohibit the use thereof, and require the same to be altered, and
16 reconstructed so as to avoid such danger. Such notice may be served personally upon the person
17 responsible for its erection or maintenance or by conspicuously affixing it to the scaffolding,
18 platform, or other such device, or the part thereof declared to be unsafe. After such notice has
19 been so served or affixed, the person responsible thereof shall cease using and immediately
20 remove such scaffolding, platform or other device, or part thereof, and alter or strengthen it in
21 such manner as to render it safe.

22 3. The director of the [inspection section] **division of labor standards**, or [any of his
23 deputies] **the director's delegate**, or such local authority, whose duty it is, under the terms of
24 sections [292.450] **292.520** to 292.540, to examine or test any scaffolding, platform or other
25 similar device, or part thereof, required to be erected and maintained by this section, shall have
26 free access at all reasonable hours, to any building, or structures, or premises containing such
27 scaffolding, platform or other similar device, or parts thereof, or where they may be in use.

28 4. All swinging and stationary scaffolding, platforms, and other devices shall be so
29 constructed as to bear four times the maximum weight required to be depended therein, or placed
30 thereon, when in use, and such swinging scaffolding, platform or other device, shall not be so
31 overloaded or overcrowded as to render the same unsafe or dangerous.

292.550. No room or apartment in any tenement or dwelling house shall be used by more
2 than three persons, not immediate members of the family living therein, for the manufacture of
3 any wearing apparel, purses, feathers, artificial flowers or other goods for male or female wear.
4 Every person, firm or corporation contracting for the manufacture of any of the articles
5 mentioned in this section, or giving out the complete material from which they are to be made,
6 or to be wholly or partially finished, shall keep a register of the names and addresses of all
7 persons to whom such work is given to be made or with whom they have contracted to do the
8 same. Such register shall be produced for the inspection, and a copy thereof shall be furnished
9 to the director of the [inspection section] **division of labor standards** on demand.

292.560. No person, firm or corporation shall knowingly sell or expose for sale any of the articles mentioned herein when such articles were made in violation of sections 292.550 to 292.570; and the director of the [inspection section, his deputy] **division of labor standards, the director's delegate**, or any officer appointed to enforce the provisions of sections 292.550 to 292.570, who shall find any such articles made in violation of the provisions of sections 292.550 to 292.570, or who shall find that the articles herein mentioned are made under unclean or unhealthy conditions, shall conspicuously affix thereto a label containing the words "tenement made" or "made under unhealthy conditions", as the case may be, printed in plain letters on a tag not less than two inches in length, and it shall be unlawful to remove such tag except by the permission of the director of the [inspection section] **division of labor standards** or the officer under whose direction such label was affixed.

320.202. 1. There is hereby established within the department of public safety a "Division of Fire Safety", which shall have as its chief executive officer the fire marshal appointed under section 320.205. The fire marshal and the division shall be responsible for:

- (1) The training of firefighters, investigators, and any state employees performing fire inspections pursuant to state statutes or state licensing requirements;
- (2) Establishing and maintaining a statewide reporting system, which shall, as a minimum, include the records required by section 320.235 and a record of all fires occurring in Missouri showing:
 - (a) The name of all owners of personal and real property affected by the fire;
 - (b) The name of each occupant of each building in which a fire occurred;
 - (c) The total amount of insurance carried by, the total amount of insurance collected by, and the total amount of loss to each owner of property affected by the fire; and
 - (d) All the facts, statistics and circumstances, including, but not limited to, the origin of the fire, which are or may be determined by any investigation conducted by the division or any local firefighting agency under the laws of this state.

All records maintained under this subdivision shall be open to public inspections during all normal business hours of the division;

- (3) Conducting all investigations of fires mandated by sections 320.200 to [320.270] **320.273**;

- (4) Conducting all fire inspections required of any private premises in order for any license relating to such private premises to be issued under any licensing law of this state, except those organizations and institutions licensed pursuant to chapters 197 and 198, RSMo;

- (5) **All manufacturing, mechanical, mercantile or other establishments in this state, of two or more stories in height, in which twenty or more persons are employed above the**

26 **first floor thereof, shall be provided one outside iron fire escape. For every twenty persons**
27 **employed on every floor above the second floor of such establishment, there shall be one**
28 **fire escape, and each story shall be amply supplied with means of extinguishing fire.**

29 2. The state fire marshal shall exercise and perform all powers and duties necessary to
30 carry out the responsibilities imposed by subsection 1 of this section, including, but not limited
31 to, the power to contract with any person, firm, corporation, state agency, or political subdivision
32 for services necessary to accomplish any of the responsibilities imposed by subsection 1 of this
33 section.